

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hiroshi KUKINO et al.

Serial No: 10/584,515

Confirmation No. 4163

Filed: June 23, 2006

For: Ceramic Heater and Method for
Manufacturing the Same

Art Unit: Not assigned

Examiner: Not assigned

**PETITION TO RECONSIDER DECISION IN
RESPONSE TO NOTIFICATION OF DEFECTIVE
RESPONSE**

Attention: Office of PCT Legal Administration

Mail Stop PCT

Commissioner for Patents

Office of PCT Legal Administration

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the February 14, 2008 decision in response to the reply filed October 25, 2007, enclosed are the following:

- ☒ A Declaration of Hideki Yoshidome Pursuant to 37 C.F.R. § 1.182 (Appendix A)
- ☒ Certificate of Individual's Entry in Japanese Language, translation of Certificate of Individual's Entry and Verification of English Translation (Appendix B)
- ☒ A Copy of Article 816 of the Japanese Civil Code (Appendix C)
- ☒ A Copy of Article 811 of the Japanese Civil Code (Appendix D)

In addition to Appendices A-D, please consider the following comments:

This is a Petition to Reconsider the Decision in Response to Applicant's Response to Notification of Defective Response filed on October 25, 2007. Applicant's October 25 Response was treated as a Petition to Change the Name of the Inventor, and the \$400 petition fee was charged to Deposit Account No. 50-1314.

The Office denied Applicant's Petition without prejudice citing MPEP 605.04(c), which requires that Applicant identify the procedure by which the change of name is effected.

Attached as Appendix B is The Certificate of Individual's Entry in Japanese together with a verified English translation. The Certificate proves that the inventor, Hideaki Yoshidome, was born the second son of Masami and Nobuko Yoshidome in Kagoshima-shi, Kagoshima-ken, Japan on January 17, 1963. It also establishes that Mr. Yoshidome was subsequently adopted by Tomitaka Shimozuru, and Mr. Yoshidome subsequently used his adoptive name Hideaki Shimozuru.

Japan's Civil Code provides for the dissolution of an adoptive relationship, for instance, by agreement of the parties. Japan Civil Code Article 811 (Appendix D). Japan's Civil Code further mandates that after dissolution, the adopted child resume use of the surname that was used prior to the adoption. Japan Civil Code Article 816 (Appendix C). The Certificate of Entry (Exhibit B) shows that the adoption was dissolved on April 8, 2005. Thereafter, the inventor resumed use of his former family name, Yoshidome. The Certificate of Entry provides proof that the inventor's name is legally Hideaki Yoshidome. Mr. Yoshidome's Declaration (Appendix A) likewise establishes that the adoption was dissolved, that Hideaki Yoshidome is his legal name and that the Certificate for Individual's Entry supports these facts.

In summary, Applicant has identified the procedure, dissolution, by which the name change was effected and has provided documentary evidence establishing all the relevant facts. The record clearly demonstrates that the inventor's surname reverted back to his family name, Yoshidome, upon dissolution of the adoptive relationship. Applicant has also provided explanation as to what a dissolved adoption means in Japanese law.

Based on the foregoing, Applicant hereby requests that the Petition to Change the Name of the Inventor be granted.

The Commissioner is authorized to charge any underpayment to our Deposit Account No. 50-1314.

Respectfully submitted,

Date: April 11, 2008

By: 

Lawrence J. McClure

Registration No. 44,228

Attorney for Applicant(s)

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APPENDIX A

PATENT
81880.0149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Declaration of Hideaki Yoshidome Pursuant to 37 C.F.R. 1.182

1. I, Hideaki Yoshidome, had the name Hideaki Shimozuru on International Application No. PCT/JP2004/019228. The present application claims priority from International Application No. PCT/JP2004/019228. Therefore, I am named as an inventor on the present application. I have personal knowledge of the facts stated herein except for those facts which are based on information and belief.

2. All statements made herein based on my own knowledge are true and all statements made on information and belief are believed to be true.

3. As a child I was adopted into the Shimozuru family. At that time my name was Hideaki Shimozuru. In April, 2005 the adoption was dissolved. I am presently using my primary family last name which is Yoshidome. Hideaki Yoshidome is my legal name. The "Certificate for Individual's Entry" supports the fact that my legal name is Hideaki Yoshidome.

I declare under penalty of perjury under the laws the United States that the foregoing is true and correct. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both and may jeopardize the validity of the application or any patent issuing thereon.

Dated this 1 day of April, 2008 at Kagoshima, Japan

Hideaki Yoshidome

Signature of Declarant

APPENDIX B

PATENT
81880.0149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

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Art Unit: Not Assigned

Examiner: Not Assigned

VERIFICATION OF ENGLISH TRANSLATION

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Keiichi GONJOU, declare that I am conversant in both the Japanese and English languages and that the English translation as attached hereto is an accurate translation of the certificate showing all matters for an individual entered in the family register.

Signed this 22nd day of October, 2007



Keiichi GONJOU

APPENDIX B
(Cont.)

(1 of 1) Certificate for Individual's Entry	
Permanent domicile Name	211, Inari-cho, Kagoshima-shi, Kagoshima-ken Hideaki YOSHIDOME
Registered matters Compilation of census registration	【Date of compilation】 April 8, 2005
Person recorded on the family register	【Last Name】 Hideaki 【Date of birth】 January 17, 1963 【Classification of spouse】 Husband 【Father】 Masami YOSHIDOME 【Mother】 Nobuko YOSHIDOME 【Relationship】 Second son
Personal matters for identification Birth	【Date of birth】 January 17, 1963 【Place of birth】 Kagoshima-shi, Kagoshima-ken 【Date of notification of birth】 January 28, 1963 【Person who notified】 Father
Marriage	【Date of marriage】 October 21, 1989 【Name of spouse】 Sayoko CHINJYU 【Date of notification of marriage】 October 24, 1989 【Person who received the notification】 The mayor of Kokubu-shi, Kagoshima-ken 【Previous census registration】 211, Inari-cho, Kagoshima-shi, Kagoshima-ken Tomitaka SHIMOZURU (Householder)
Dissolution of adoption	【Date of Dissolution of adoption】 April 8, 2005 【Name of adopted father】 Tomitaka SHIMOZURU (deceased) 【Name of adopted mother】 Miyoko SHIMOZURU 【Previous census registration】 211, Inari-cho, Kagoshima-shi, Kagoshima-ken Hideaki SHIMOZURU
(from here down blank)	

Issue Number 00919324

This is a certificate showing all matters for an individual entered in the family register.

September 28, 2007

Mayor of Kagoshima-shi

Hiroyuki MORI(seal)

APPENDIX B

(Cont.)

(1の1) 個人事項証明

本籍氏名	鹿児島県鹿児島市稲荷町211番地 吉留 秀明
戸籍事項 戸籍編製	【編製日】平成17年4月8日
戸籍に記録されている者	<p>【名】 秀明</p> <p>【生年月日】昭和38年1月17日 【配偶者区分】 夫</p> <p>【父】 吉留正巳</p> <p>【母】 吉留信子</p> <p>【続柄】 二男</p>
身分事項 出生	<p>【出生日】昭和38年1月17日</p> <p>【出生地】鹿児島県鹿児島市</p> <p>【届出日】昭和38年1月28日</p> <p>【届出人】 父</p>
婚姻	<p>【婚姻日】平成元年10月21日</p> <p>【配偶者氏名】 鎮守小夜子</p> <p>【送付を受けた日】平成元年10月24日</p> <p>【受理者】 鹿児島県国分市長</p> <p>【従前戸籍】 鹿児島県鹿児島市稲荷町211番地 下水流富孝</p>
養子離縁	<p>【離縁日】平成17年4月8日</p> <p>【養父氏名】 亡 下水流富孝</p> <p>【養母氏名】 下水流ミヨ子</p> <p>【従前戸籍】 鹿児島県鹿児島市稲荷町211番地 下水流秀明</p>
	以下余白

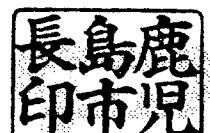
発行番号 00919324

これは、戸籍中の一部の者について記録されている事項の全部を証明した書面である。

平成19年9月28日

鹿児島市長

森 博幸



る。

- (2) The provision of paragraph (2) of Article 770 shall apply mutatis mutandis to the cases listed in item (i) and item (ii) of the preceding paragraph.

第八百十五条（養子が十五歳未満である場合の離縁の訴えの当事者）

Article 815 (Party to Action for Dissolution of Adoptive Relation When Adopted Child below 15 years of age)

養子が十五歳に達しない間は、第八百十一条の規定により養親と離縁の協議をすることができる者から、又はこれに対して、離縁の訴えを提起することができる。

If an adopted child has not attained 15 years of age, a person who may make an agreement with the adoptive parent(s) to dissolve the adoptive relation pursuant to the provisions of Article 811 may bring or be subject to an action for dissolution of adoptive relation.

第八百十六条（離縁による復氏等）

Article 816 (Resumption of Surname by Dissolution of Adoptive Relation)

- 1 養子は、離縁によって縁組前の氏に復する。ただし、配偶者とともに養子をした養親の一方のみと離縁をした場合は、この限りでない。

(1) An adopted child shall resume using the surname he/she used before the adoption by dissolution of adoptive relation; provided that this shall not apply where a married person adopted another as his/her child with his/her spouse jointly and the adopted child dissolved the adoptive relation with only one of adoptive parents.

- 2 縁組の日から七年を経過した後に前項の規定により縁組前の氏に復した者は、離縁の日から三箇月以内に戸籍法の定めるところにより届け出ることによって、離縁の際に称していた氏を称することができる。

(2) If a person resumes using the name h/she used before the adoption pursuant to the provision of the preceding paragraph after seven years have passed since the time of adoption, he/she may take the surname used at the time of dissolution of adoptive relation by giving notification, pursuant to the provisions of the Family Registration Act, within three months of the day of dissolution.

第八百十七条（離縁による復氏の際の権利の承継）

Article 817 (Assumption of Rights upon Resumption of Surname by Dissolution of Adoptive Relations)

第七百六十九条の規定は、離縁について準用する。

The provisions of Article 769 shall apply mutatis mutandis to dissolution of adoptive relations.

第五款 特別養子

Subsection 5 Special Adoption

(Status of legitimacy)

Article 809. An adopted child acquires, as from the day of adoption, the status of a legitimate child of the parent by adoption.

(Surname)

Article 810. An adopted child assumes the surname of the parent by adoption. However, this shall not apply while a person who has changed the surname should assume the surname determined at the time of marriage.

Sub-Section 4 Dissolution of Adoptive Relation**(Dissolution by agreement)**

Article 811. The parties to an adoption may effect by agreement a dissolution of the adoptive relation.

2. If an adopted child is under fifteen years of age, dissolution of adoptive relation may be effected by agreement between the parent by adoption and the person who would become its legal representative after the dissolution of adoptive relation of the adopted child.

3. If, in the case of the preceding paragraph, the father and mother of the adopted child had effected divorce, one of them shall, by their agreement, be determined to have the parental power after the dissolution of adoptive relation of the adopted child.

4. If no agreement mentioned in the preceding paragraph is reached or possible, the Family Court may render judgment in place of agreement on application of the father or mother or the parent by adoption under the preceding paragraph.

5. If there is no person to become the legal representative under paragraph 2, the Family Court shall appoint a person to become the guardian for minors after dissolution of adoptive relation of the adopted child on application of any of the adopted child's relatives or of any other persons interested.

6. If, after the death of either party of adoption, a surviving party desires to effect a dissolution of adoptive relation, the surviving party may effect it with the leave of the Family Court.

(Ditto)

Article 811-2. If, in the case of the adopters who are husband and wife, they effect a dissolution of the adoptive relation with a minor, they should do it so jointly. However, this shall not apply when one spouse is unable to declare his or her intention.